



09-20-02

EXPRESS MAIL NO. EL897894164US  
PTO/SB/21 (08-00)

#1634

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Approved for use through 10/31/2002. OMB 0651-0031  
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## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/833,790
Filing Date	April 11, 2001
First Named Inventor	Michael J. Lodes
Group Art Unit	1634
Examiner Name	Ethan C. Whisenant, Ph.D.
Attorney Docket No.	210121.512

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### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>Appointment of Associate</u> <u>Power of Attorney</u> <hr/> <hr/>
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### Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name | Carol D. Laherty, Ph.D., Reg. No. 51,909



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PATENT TRADEMARK OFFICE

Signature

Date

September 18, 2002

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name

Signature

Date:



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ESS MAIL NO. EL897894164US  
PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032

## FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	( \$ )	920
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Complete if Known	
Application Number	09/833,790
Filing Date	April 11, 2001
First Named Inventor	Michael J. Lodes
Examiner Name	Ethan C. Whisenant, Ph.D.
Group Art Unit	1634
Attorney Docket No.	210121.512

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METHOD OF PAYMENT	
<input checked="" type="checkbox"/> Payment Enclosed:	<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other
<input type="checkbox"/> Deposit Account:	Deposit Account Number <b>19-1090</b>
Deposit Account Name	Seed Intellectual Property Law Group PLLC
The Commissioner is authorized to (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input type="checkbox"/> Charge any additional fee(s) during the pendency of this application	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any deficiencies	
to the above-identified deposit account.	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	

FEE CALCULATION					
1. BASIC FILING FEE					
<u>Large Entity</u>	<u>Small Entity</u>				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)				(\$ 0)	
2. EXTRA CLAIM FEES					
Total Claims		Extra Claims	Fee from below	Fee Paid	
Independent Claims		** =	*	=	
Multiple Dependent		** =	*	=	
			*	=	
<u>Large Entity</u>	<u>Small Entity</u>				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$ 0)	

\*\* or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
<u>3. ADDITIONAL FEES</u>		<u>Large Entity</u>		<u>Small Entity</u>	
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 920)	

SUBMITTED BY			
Name (Print/Type)	Carol D. Laherty, Ph.D.	Registration No. Attorney/Agent	51,909
Firm Name/Address			
Signature		Date	September 18, 2002



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SEP 23 2002

Applicants : Michael J. Lodes et al.  
Application No. : 09/833,790  
Filed : April 11, 2001  
For : COMPOSITIONS AND METHODS FOR THE THERAPY AND  
DIAGNOSIS OF LUNG CANCER  
Examiner : Ethan C. Whisenant, Ph.D.  
Art Unit : 1634  
Docket No. : 210121.512  
Date : September 18, 2002

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Commissioner for Patents  
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated June 13, 2002, please extend the period of time for response three months, to expire on October 13, 2002. Enclosed are a Petition for an Extension of Time and the requisite fee.

Applicants hereby elect Group I, claims 1, 3-4, 8, 11 and 14 drawn to polynucleotides and a composition thereof, and the species of SEQ ID NO:365 (also referred to as L578S) for examination at this time. Consideration of the elected claims is now requested.

Respectfully submitted,  
Michael J. Lodes et al.  
Seed Intellectual Property Law Group PLLC

Carol E. Laherty, Ph.D.

Registration No. 51,909

CDL:sd  
Enclosure:  
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